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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2151	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/759,705	KEEFER ET AL.
	Examiner	Art Unit	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 November 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-27</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-27</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

-     This action is responsive to the amendment and remarks file on 11/2/06.

-     Claims 1-27 are amended are for further examination.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/2/06 have been fully considered but they are not

persuasive.

Applicant argued that Scarpelli, the art of record, either alone or in combination failed to

teach or suggest at least features of "instantiating an agent object.., the instantiated agent object

operable to monitor hardware characteristics of the network device. Further, Applicant argued

that scripts, such as shell script written in PERL, are not "object-oriented program structures."

Examiner respectfully traversed the argument: In response to applicant's argument that

the references fail to show certain features of applicant's invention, it is noted that the features

upon which applicant relies (i.e., Object oriented program structure) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Applicant further stated that the references Scarpelli disclosed the device or application

maybe defined as "objects". Then, Scarpelli provides a meta registration process that is used to

create/instantiated agent object (which, the meta is a agent template, that comprising

object/device information, which is object class).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being obvious over Scarpelli et al

hereinafter Scarpelli (US 6,816,898) in view of Lavian et al hereinafter Lavian (US 6,842,781).

1. Referring to Claims 1 and 9, Scarpelli teaches a system for agent-based monitoring of network

devices in an enterprise network with means for:

a. Selecting a network device from the enterprise network (fig 6a, 7, Col 8, Lines 20-22). Note

that the user sets up a monitor agent for a particular device, each network device having

characteristics (Col 5, Lines 30-55).

b. Selecting an agent template based on the one or more of the selected network device (Col 7,

Lines 14-27; fig 6a, 7),

c. Instantiating an agent object from the object class of the agent template, the instantiated agent

object operable to monitor hardware characteristics of the network device (Col 7, Lines 22-27;

Col 8, Lines 55-67).

Scarpelli did not expressly indicate the agent template based on one or more characteristics of

the selected network device and the templates comprising the hierarchy of object classes,

wherein each object class corresponds to a possible combination of the characteristics of the

selected network device.

Lavian disclosed the agent template (refer to Col 5, Lines 40-55) based on one or more

characteristics of the selected network device (parameters from the network devices, refer to Col

5, Lines 40-55) and the templates comprising the hierarchy of object classes (JAVA comprising

hierarchy of object classes/methods), wherein each object class corresponds to a possible

combination of the characteristics of the selected network device (each parameters cause possible

combination of characteristics of selected network devices.).

Given the teaching of Lavian, a person having ordinary skill in the art would have recognized the

desirability and advantages of modifying Scarpelli by associating the network device with a MIB

parameter. This benefits the system by allowing the user to quickly look up the device by type in

the structured database.

2. Referring to Claims 4, 12, and 20, Scarpelli teaches all the limitations as applied to claims 1,

9, and 17, respectively. They further teach means wherein monitoring comprising retrieving

information associated with one or more of the hardware characteristics of the network device

(Col 5, Lines 30-55).

3. Referring to Claims 5, 13, and 21, Scarpelli disclosed all the limitations as applied to claims 4,

12, and 20 respectively. They further teaches that wherein the hardware characteristics of the

network device including one or more of: memory usage; chassis temperature; Central

Processing Unit (CPU) usage; fan status; module status; and power supply status (Col 5, Lines 30-55).

4. Referring to Claims 6, 14, and 22, Scarpelli disclosed all the limitation as supplied to claims 4, 12, 20, respectively. Scarpelli also disclosed wherein monitoring includes comparing a threshold value to the retrieved information associated with one or more of the hardware characteristics (refer to Col 6, Lines 1-15, to detect problems, there are preset values to compare in order to know the problem exist within the system and Col 7, Lines 1-12).

5. Referring to Claims 7, 15, and 23, Scarpelli disclosed all the limitations as applied to claims 6, 15, and 22, respectively. They further teach means for automatically communicating an alert in response to the hardware characteristics violating the threshold value (Col 7, Lines 1-12 and Col 6, Lines 1-15).

6. Referring to Claims 8, 16, and 24, Scarpelli disclosed all the limitations as applied to claims 1, 9, and 17, respectively.
Scarpelli did not expressly disclosed wherein the hierarchy of object classes includes a plurality of parent objects and at least one child object associated with each of the parent objects. The parent objects corresponding to different embodiments of a first characteristic of the network device and each child object being associated with different embodiments of a second characteristic and the embodiment of the first characteristic that corresponds to the parent object associated with the child object.

Lavian disclosed wherein the hierarchy of object classes (Java comprising hierachy's of classes refer to Col 7, Lines 30-50 and Col 5, Lines 20-55) includes a plurality of parent objects and at least one child object (methods) associated with each of the parent objects. The parent objects corresponding to different embodiments of a first characteristic of the network device and each child object being associated with different embodiments of a second characteristic and the embodiment of the first characteristic that corresponds to the parent object associated with the child object (This limitation is the fundamentals of JAVA programming languages, which the parents and child are associated with each other and the parent and child are associated/processing different characteristics).

Given the teaching of Lavian, a person having ordinary skill in the art would have recognized the desirability and advantages of modifying Scarpelli by associating the network device with a MIB parameter. This benefits the system by allowing the user to quickly look up the device by type in the structured database.

7. Referring to Claims 17, Scarpelli disclosed a system for agent-based monitoring of network devices in an enterprise network comprising:

memory operable to store information associated with a plurality of network devices in the enterprise network (Col 6, Lines 55-59), the information stored in the memory comprising characteristics of each of the plurality of network devices (Col 5, Lines 30-55); and

one or more processors collectively operable to:

a. Selecting a network device from the enterprise network (fig 6a, 7, Col 8, Lines 20-22). Note that the user sets up a monitor agent for a particular device, each network device having characteristics (Col 5, Lines 30-55).

b. Selecting an agent template based on the one or more of the selected network device (Col 7, Lines 14-27; fig 6a, 7),

c. Instantiating an agent object from the object class of the agent template, the instantiated agent object operable to monitor hardware characteristics of the network device (Col 7, Lines 22-27; Col 8, Lines 55-67).

Scarpelli did not expressly indicate the agent template based on one or more characteristics of the selected network device and the templates comprising the hierarchy of object classes, wherein each object class corresponds to a possible combination of the characteristics of the selected network device.

Lavian disclosed the agent template (object-oriented method, refer to Col 5, Lines 40-55) based on one or more characteristics of the selected network device (parameters from the network devices, refer to Col 5, Lines 40-55) and the templates comprising the hierarchy of object classes (JAVA comprising hierarchy of object classes/methods), wherein each object class corresponds to a possible combination of the characteristics of the selected network device (each parameters cause possible combination of characteristics of selected network devices.).

Given the teaching of Lavian, a person having ordinary skill in the art would have recognized the desirability and advantages of modifying Scarpelli by associating the network device with a MIB parameter. This benefits the system by allowing the user to quickly look up the device by type in the structured database.

8. Referring to Claim 25, Scarpelli disclosed a method for agent based monitoring of switches in

an enterprise network with means for;

a. Selecting one of the switches from the enterprise network (fig 6a, 7, Col 8, Lines 20-22). Note

that the user sets up a monitor agent for a particular switch (Col 5, Lines 5-20), each network

switch having characteristics (Col 5, Lines 30-55).

b. Selecting an agent template based on the one or more of the selected switch (Col 7, Lines 14-

27; fig 6a, 7),

c. Instantiating an agent object from the object class of the agent template, the instantiated agent

object operable to monitor hardware characteristics of the switch (Col 7, Lines 22-27; Col 8,

Lines 55-67).

Scarpelli did not expressly indicate the agent template based on one or more characteristics of

the selected switch and the templates comprising the hierarchy of object classes, wherein each

object class corresponds to a possible combination of the characteristics of the selected switch

(Col 5, Lines 5-20).

Lavian disclosed the agent template (object-oriented method, refer to Col 5, Lines 40-55) based

on one or more characteristics of the selected network device (parameters from the network

devices, refer to Col 5, Lines 40-55) and the templates comprising the hierarchy of object classes

(JAVA comprising hierarchy of object classes/methods), wherein each object class corresponds

to a possible combination of the characteristics of the selected network device (each parameters

cause possible combination of characteristics of selected network devices.).

Given the teaching of Lavian, a person having ordinary skill in the art would have recognized the desirability and advantages of modifying Scarpelli by associating the network device with a MIB parameter. This benefits the system by allowing the user to quickly look up the device by type in the structured database.

9. Referring to Claims 2, 10, and 18, Scarpelli disclosed although the system disclosed by Scarpelli (as applied to claims 1, 9, and 17, respectively) shows substantial features of the claimed invention, it fails to disclosed the network device associated with at least one Management Information Base (MIB) parameter.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Scarpelli and evidence by Lavian.

In an analogous art, Lavian disclosed a system for remote management of devices in a network wherein the network device is associated with at least one Management Information Base (MIB) parameter (Col 4, Lines 20-60).

Given the teaching of Lavian, a person having ordinary skill in the art would have recognized the desirability and advantages of modifying Scarpelli by associating the network device with a MIB parameter. This benefits the system by allowing the user to quickly look up the device by type in the structured database.

10. Regarding Claims 3, 11, 19, and 26, Scarpelli disclosed although the system disclosed by Scarpelli shows substantial features of the claimed invention, it fails to disclose the agent object monitoring the network device based on the one or more MIB parameters.

In an analogous art, Lavian disclosed a system for remote management of devices in a network

wherein the agent object monitors the network device based on the one or more MIB parameter

(Col 6, Lines 20-60 and Col 5, Lines 5-55)

Given the teaching of Lavian, a person having ordinary skill in the art would have readily

recognized the desirability and advantages of modifying Scarpelli by associating the monitoring

the network device with a MIB parameter. This benefits the system by allowing the user to

quickly look up and configure the agent used for monitoring the device.

11. Regarding with Claim 27, please refer to rejections made on claims 17 and 18, which covers

all limitations in Claim 27.

Conclusion

Examiner's Notes: Examiner has cited particular columns and line numbers in

the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner. In the case of amending the claimed invention, Applicant

is respectfully requested to indicate the portion(s) of the specification which dictate(s)

the structure relied on for proper interpretation and also to verify and ascertain the

metes and bounds of the claimed invention.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The

examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ZARNI MAUNG
SUPERVISORY PATENT EXAMINER